

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**STIPULATION AND ORDER AS TO WITHDRAWAL OF NORMAN, JOEL AND
KERRY BLUM FROM THE PROFIT WITHDRAWAL TRANSACTIONS LITIGATION**

Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities (“BLMIS”) and the chapter 7 estate of Bernard L. Madoff, individually, and Dr. Norman J. Blum, Dr. Joel A. Blum, and Kerry E. Blum (collectively, the “Blums” and, together with the Trustee, the “Parties”), by and through their respective, undersigned counsel, hereby state as follows:

WHEREAS, on December 15, 2008, Irving H. Picard was appointed as the trustee for the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”), pursuant to 15 U.S.C. § 78eee(b)(3); and

WHEREAS, the Blums each maintained accounts with BLMIS with account numbers 1B0190 held in the name of “Millennium Trust Company, LLC FBO Norman J. Blum

(111188),” 1B0201 held in the name of “Norman J. Blum Living Trust,” and 1B0251 held in the name of “Joel A. Blum Kerry E. Blum JT WROS,” at certain relevant times through December 11, 2008, for which they submitted customer claims (the “Blum Accounts”); and

WHEREAS, in connection with BLMIS Account No. 1B0190, Dr. Norman J. Blum submitted customer claims designated as Claim Nos. 005866 and 009179, which Claim No. 009179 having been denied as a duplicate of Claim No. 005866 and Claim No. 005866 having been denied by the Trustee;

WHEREAS, in connection with BLMIS Account No. 1B0201, Dr. Norman J. Blum submitted customer claims designated as Claim Nos. 005863, and 009178, which Claim No. 009178 having been denied as a duplicate of Claim No. 005863 and Claim No. 005863 having been allowed by the Trustee in a reduced amount;

WHEREAS, in connection with BLMIS Account No. 1B0251, Dr. Joel A. Blum and Kerry E. Blum submitted a customer claim designated as Claim No. 001507, and Claim No. 001507 having been allowed by the Trustee in a reduced amount;

WHEREAS, on May 13, 2016, an objection to the Determination Notice for customer claims 005863 and 009178 on behalf of Dr. Norman J. Blum, and for customer claim 001507 on behalf of Dr. Joel A. Blum and Kerry E. Blum was filed with the Bankruptcy Court at docket entry number 13323;

WHEREAS, the Blums are Participating Claimants in the litigation of the Profit Withdrawal Transactions Issue (“Profit Withdrawal Transactions Litigation”), pursuant to and as defined by the Order Establishing Schedule for Limited Discovery and Briefing on Profit

Withdrawal Issue, *SIPC v. BLMIS (In re Madoff)*, Adv. No. 08-01789 (SMB) (Bankr. S.D.N.Y. June 25, 2015) (ECF No. 10266);¹

WHEREAS, as of October 11, 2017, Dr. Norman J. Blum entered into a settlement agreement with the Trustee resolving his customer claims, his objection to the determination of his customer claims, and the adversary proceeding captioned *Picard v. Norman J. Blum*, Adv. No. 10-04846 (SMB);

WHEREAS, as of September 29, 2017, Dr. Joel A. Blum and Kerry E. Blum agreed to enter into a settlement with the Trustee to resolve their customer claim and objection to the determination of their customer claim;

NOW THEREFORE, the Parties agree and stipulate to the following:

1. The Blums hereby withdraw from the Profit Withdrawal Transactions Litigation.
2. The Blums hereby withdraw the Blums' Pre-Hearing Brief in Opposition to the Trustee's Profit Withdrawal Motion filed on September 23, 2016 (ECF No. 14168).
3. The Blums hereby withdraw the Motion *in Limine* to Exclude Unrelated Customer Account Materials, to Exclude Hearsay Statements Regarding Profit Withdrawals, and to Limit the Proposed Testimony of Lisa M. Collura and Matthew B. Greenblatt filed on October 28, 2016 (ECF No. 14362).
4. The Trustee hereby withdraws his Motion *In Limine* Number 2 to Exclude Certain Testimony of Joel and Norman Blum filed on October 28, 2016 (ECF No. 14355).

¹ Unless otherwise specified, all references to docket entries in this Stipulation shall be to *SIPC v. BLMIS (In re Madoff)*, Adv. No. 08-01789 (SMB) (Bankr. S.D.N.Y.).

5. The Blums hereby withdraw the Blums' Memorandum of Law in Opposition to the Trustee's Motion *In Limine* to Exclude Certain of Their Testimony filed on November 18, 2016 (ECF No. 14844).

6. The Trustee hereby withdraws his Reply Memorandum of Law in Further Support of Trustee's Motion *In Limine* Number 2 to Exclude Certain Testimony of Joel and Norman Blum filed on December 9, 2016 (ECF No. 14582).

Dated: New York, New York
October 13, 2017

/s/ David J. Sheehan

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Liquidation of Bernard L. Madoff
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*Attorneys for Participating Claimants Dr.
Norman J. Blum, Dr. Joel A. Blum and Kerry E.
Blum*

SO ORDERED:

Dated: **October 13, 2017**
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge